

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSHUA D. BRODSKY,)	3:14-cv-00641-RCJ-WGC
)	
Plaintiffs,)	<u>MINUTES OF THE COURT</u>
vs.)	
)	October 1, 2015
WARDEN BACA, et al.,)	
)	
Defendants.)	
)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE LYNN OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is Plaintiff's motion entitled, "Non Compliance with Doc. # 124 & Contempt per 70(e) Motion." (ECF No. 129.) Defendants have responded. (ECF No. 142.) Plaintiff's motion seeks an order of the court directing Defendants to produce a medical report of Dr. Long and certain Nevada Department of Corrections incident reports. Plaintiff also seeks imposition of sanctions.

Dr. Long Report

Per the representation of defense counsel, certain medical records, including the consultation report of Dr. Long, have been sent to the Warden of the Northern Nevada Correctional Center where Plaintiff may file to review them. Defendants state that in addition to Dr. Long's report, they also made available a Utilization Review Panel form by Dr. Johns as it related to the treatment by Dr. Long. Defendants represent, however, these documents "are likely irrelevant since they make no mention of any assaults by prison guards as the reason for any current injuries or pain by Plaintiff." (ECF No. 142 at 2.) Although the Defendants offer to make the records available for an *in camera* inspection, the court declines to do so at this time. Should Plaintiff include the reports of Drs. Long and Johns with his opposition to Defendants' motion for summary judgment (ECF No. 117), the court will review the reports, if any, at that time.

Incident Reports

Plaintiff also sought production of certain incident reports. Defendants' counsel represents the reports have been provided Plaintiff via cover letter dated September 14, 2014. (ECF No. 142 at 2; 142-1.)

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Sanctions

Plaintiff seeks sanctions under Fed. R. Civ. P. 70(e) which rule pertains to a finding of contempt. The basis of Plaintiff's argument is vaguely stated as arising from Defendants' failure to comply in a timely fashion. Defendants argue their responses to the court order regarding production of the materials addressed above was timely. Even if technically untimely, Plaintiff has not demonstrated any delay arising as to any production or any prejudice relating thereto.

The court finds that sanctions are not appropriate.

Conclusion

Plaintiff's motion (ECF No. 129), insofar as it pertains to production of selected medical records and incident reports, is **DENIED AS MOOT**. Plaintiff's motion as it pertains to imposition of sanctions is **DENIED**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/
Deputy Clerk